

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**VS.**

**BRYAN A. GELB and,  
PAUL W. GILMAN,**

## Defendants.

**8:08CR110**

## ORDER

This matter is before the court on the motion for an extension of time by defendant Bryan A. Gelb (Gelb) (Filing No. 31). Gelb seeks until June 30, 2008 in which to file pretrial motions in accordance with the progression order due to the death of his previous counsel (Filing No. 11). Gelb's counsel represents that the co-defendant has no objection to the extension and joins in the request for an extension. Upon consideration, the motion will be granted.

**IT IS ORDERED:**

Defendant Gelb's motion for an extension of time (Filing No. 31) is granted. **Both defendants** are given until **on or before June 30, 2008**, in which to file pretrial motions pursuant to the progression order. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendants in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **May 27, 2008 and June 30, 2008**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendants' counsel require additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 27th day of May, 2008.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge